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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,215	12/27/2000	Munenori Iizuka	Q62482	5359

7590 06/05/2003

SUGHRUE, MION, ZINN, MACKPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

PATTERSON, MARC A

ART UNIT	PAPER NUMBER
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1772

10

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/748,215

Applicant(s)

IIZUKA ET AL.

Examiner

Marc A Patterson

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-9 and 22.Claim(s) withdrawn from consideration: none.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See attached.

ADVISORY ACTION

Specification

1. The substitute specification filed May 19, 2003 has not been entered because it does not conform to 37 CFR 1.125(b) because the marked up copy of amended Claim 6 does not clearly show the changes which have been made. Specifically, the added limitations 'protrudes,' 'an,' 'of the resin pipe' and 'of said resin pipe' have not been underlined.

ANSWERS TO APPLICANT'S ARGUMENTS

2. Applicant's arguments regarding the 35 U.S.C. 102(b) rejection of Claims 6 – 8 and 21 as being anticipated by Kawata et al (U.S. Patent No. 5,890,395), 35 U.S.C. 103(a) rejection of Claims 1 – 2 and 4 – 5 as being unpatentable over Bito et al. (U.S. Patent No. 5,983,055) in view of Shintani et al (U.S. Patent No. 5,124,219), 35 U.S.C. 103(a) rejection of Claim 3 as being unpatentable over Bito et al. (U.S. Patent No. 5,983,055) in view of Shintani et al (U.S. Patent No. 5,124,219) and further in view of Nishimuro et al (U.S. Patent No. 5,991,574), 35 U.S.C. 103(a) rejection of Claim 9 as being unpatentable over Kawata et al (U.S. Patent No. 5,890,395) in view of Nishimuro et al (U.S. Patent No. 5,991,574) of record on page 2 of the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 11 of Paper No. 10, that Kawata et al fail to disclose, that the sectional geometry of the projection is selected from a group consisting of triangle, trapezoid, curved object with a round top and slope, and semi – sphere. However, Claim 6 prior to amendment was not directed to a projection 'that radially protrudes outward from an opposite

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end of an outer surface of the resin pipe to an end of said resin pipe having a flange.' The amendment therefore raises new issues, which to be completely addressed would require further search and consideration, and the amendment therefore has not been entered. Even if the amendment was entered, the amended claim would not overcome the rejection because, as stated on page 2 of the previous Action, insufficient antecedent basis exists for the 'outer surface.'

Applicant also argues, on page 5, that the claimed taper range is outside of the range disclosed in the prior art of record, and that due to the criticality of the claimed taper range, one skilled in the art would not have been motivated to engage in routine optimization to achieve the claimed taper range. However, as stated on page 2 of the previous Action, the taper angle would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end use of the product. It therefore would be obvious for one of ordinary skill in the art to vary the taper angle, since the taper angle would be readily determined through routine experimentation by one having ordinary skill in the art depending on the desired end result as shown by Bito et al. *In re Dailey et al.*, 119 USPQ 47 (CCPA 1966).

Applicant also argues, on page 7, that Shintani does not teach or suggest the claimed water absorption of less than 0.3%. However, as stated on page 2 of the previous Action, Shintani et al disclose a resin having a water absorption no higher than 10%. Therefore, the water absorption would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end use of the product. It therefore would be obvious for one of ordinary skill in the art to vary the water absorption, since the water absorption would be readily determined through routine optimization by one having ordinary skill in the art

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depending on the desired end result as shown by Shintani et al. *In re Boesch and Slaney*, 205 USPQ 215 (CCPA 1980).

Applicant also argues, on page 8, that Bito does not disclose a nylon that is a polyamide resin obtained from caprolactam. However, as stated on page 2 of the previous Action, Bito discloses the use of nylon 6, which is clearly a polyamide resin obtained from caprolactam.

Applicant also argues, on page 8, that Nishimuro fails to disclose a polyamide resin which is blended with a resin having a water absorption no higher than 0.3%. However, as stated on page 2 of the previous Action, Shintani et al teach the use of a polyamide having a water absorption less than 10% in a photosensitive member (column 2, lines 5 – 17) for the purpose of obtaining a member which is improved in humidity resistance (column 2, lines 5 – 17). The desirability of providing for a polyamide or polyamide blend having a water absorption less than 10% in Bito et al, which is a photosensitive member, would therefore be obvious to one of ordinary skill in the art.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a blend of a polyamide resin with a resin having a water absorption no higher than 10% in Bito et al in order to obtain a member which is improved in humidity resistance as taught by Shintani et al.

Applicant also argues, on page 9, that the nylon disclosed by Nishimuro has the problem of expansion due to water absorption when allowed to stand in a high – temperature high – humidity environment because Nishimuro comprises nylon 6. However, no such problems are taught by Nishimuro.

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Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (703) 305-3537. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (703) 308-4251. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.

Marc Patterson
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[Signature]
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

6/4/03